

**SECTION 6. ANNUAL FEES.**

- (A) Applicability -- The provisions of this Regulations and Standards section shall apply to any person who owns or operates a source as defined in Article 2, Section 1 of these Regulations and Standards and is required to obtain any one of the following: 1) A Class I or a Class II operating permit in accordance with Article 2, Section 5 of the Regulations and Standards; 2) A construction permit in accordance with Article 2, Section 17 of the Regulations and Standards; or 3) Any source subject to an applicable requirement (other than permitting) of the Regulations and Standards the nature of which necessitates that the source submit an annual emissions report and/or be the subject of an annual or biannual inspection.
- (B) Calculation of Fee -- Beginning July 1, 1999, owners or operators of sources, identified in (A) above, shall pay an annual fee. The fee shall be based on the actual emission tonnage as established in the emission inventory for the previous calendar year, beginning with calendar year 1998. For purposes of this section, a pollutant which may be regulated under more than one provision of these Regulations and Standards, need only be counted once. Any temporary source issued an operating permit under Section 10 shall pay an annual fee based on emissions which occurred during the time period the source was located and operated in Lincoln or Lancaster County.

Fee Schedule:

- (1) Class I sources with actual emissions equal to or greater than 100 tons per year pay only emission fees as required by Article 2, Section 29.
- (2) Class I source with actual emissions less than 100 tons per year pay emission fees as required by Article 2, Section 29 plus \$2,000.00.
- (3) Class II synthetic minor sources pay \$2,000.00.
- (4) "True" Class II sources with actual emissions greater than 20 tons per year pay \$1,400.00.
- (5) "True" Class II sources with actual emissions between 10 and 20 tons per year pay \$1,000.00.
- (6) "True" Class II sources with actual emissions between 1 and 9.99 tons per year pay \$500.00.
- (7) "True" Class II sources with actual emissions less than 1 ton per year pay \$100.00.
- (8) Asbestos Removal (per project) is a \$50.00 fee.

For purposes of this section, the following definitions shall apply:

Synthetic Minor shall mean a source which has accepted a federally enforceable limit to reduce its potential to emit to below the major source thresholds defined in Article 2, Section 2.

"True" Class II shall mean a source which is required by Article 2, Section 5 to obtain a Class II operating permit whose potential to emit is below the major source thresholds defined in Article 2, Section 2 without physical or operational limitations on its capacity to emit any pollutants.

The fee for a temporary source which is a Synthetic Minor shall be pro-rated based on the number of months of the operating year during which the source was located and operated in Lincoln or Lancaster County. The operating year is the number of months during the calendar year that the source was operated. Operation during any part of a month will be counted as one month's operation for fee calculation.

- (C) Any person subject to the requirements of this section who fails to submit an annual emissions inventory report when required by Article 2, Section 6 of these Regulations and Standards shall pay an annual emission fee based on the source's potential to emit as defined in Article 2, Section 1 of these Regulations and Standards.
- (D) Payment of Fees -- Any person required to submit fees pursuant to this section, shall submit the fees to the Director of the Department by check, or other authorized transfer, made payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable on July 1 of each year, beginning with the calendar year 1999. All fees paid in accordance with the section shall be non-refundable.

- (E) Failure to submit the fees required by this section, in addition to other relief allowed by law, shall be cause for:
  - (1) Revocation of the source's operating permit; and
  - (2) Assessment of a late payment fee of 20 percent of the payment due, which late payment fee shall be increased by an additional 10 percent of the original payment due for each additional 30 day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (D) above.
- (F) If the Director determines that the annual emission inventory report form is incomplete or inaccurate for the purposes of calculation of fees under this section, the Director may require the source to submit additional data or other information, as well as an explanation of the source's calculation. If any annual emission inventory report form which is modified pursuant to this section results in the assessment of additional fees, such additional fees shall be payable within 30 days of notice of the assessment in accordance with paragraph (D) above.
- (G) The rate structure will be reviewed annually by the Director, and a report submitted to the Board of Health. The Board of Health may recommend any modifications to the Lincoln City Council and the Lancaster County Board of Commissioners. The new rate structure may be adopted by Resolution of the two governing bodies, individually, as a result of a recommendation by the Board of Health, or at the initiation of either of the two governing bodies.
- (H) All money collected from the permit fees, and air quality service charges provided for herein, shall be payable to the Lincoln-Lancaster County Health Department and shall be credited to the Air Pollution Control Fund.